

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



MONDAY, MAY 4, 2009.

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Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Ms. Reinstein of Revere in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, the Source of Our Hope and of Truth, we begin this day with the right intention of serving You and constituents to the best of our ability. In carrying out our daily tasks and agenda items, we acknowledge our failures, but are grateful for our many successes in any daily endeavors. In these uncertain political and economic times we pray from the wisdom to address in a creative, reasoned and practical manner, today's many challenges. Help us to encourage all people, especially students and workers, to use their talents and gifts in a wise and beneficial manner in meeting their personal needs. In meeting the needs of the times and of people, teach us to read the signs of the times accurately and to respond wisely. May we continue our common effort to work together, as a united Commonwealth, to make our communities safe, civil, responsive and ethical. Inspire us to remain faithful to personal ideals, ultimate goals and our human religious and spiritual values and principles.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Ms. Reinstein), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Prayer.

Pledge of
allegiance.

Resolutions.

Resolutions (filed by Ms. Wolf of Cambridge) congratulating the Cambridge School for Cambodian Project on the opening of the Cambridge School for Cambodia were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for the said committee, reported, that the resolution ought to be adopted. Under suspension of the Rules, in each instance, on motion of Ms. Provost of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Cambridge
School for
Cambodia.

Reports of Committees.

By Mr. Straus of Mattapoisett, on a petition, a Bill to amend the enabling act of the Massachusetts Bay Transportation Authority (House, No. 4044). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, then reported recommending that

MWRA, -
Wilmington.

the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Miceli of Wilmington, the bill was read a second time forthwith; and it was ordered to a third reading.

*Reports of Committees on Proposals for Legislative Amendments
to the Constitution.*

Mr. Moran of Boston, for the committee on Election Laws, on the petition (accompanied by proposal, House, No. 561) of Garret J. Bradley and Stanley C. Rosenberg for a legislative amendment to the Constitution to provide for absentee voting by any voter,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 561), ought to pass;

Absentee voting.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 588) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution authorizing the General Court to provide for absentee voting by any voter,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 588), ought to pass;

Id.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 661) of James J. Dwyer and others for a legislative amendment to the Constitution authorizing the General Court to provide for absentee voting,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 661), ought to pass;

Id.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 23) of Cynthia Stone Creem, Patricia D. Jehlen, Martha M. Walz and other members of the General Court for a legislative amendment to the Constitution relative to initiative petitions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 23), ought to pass (Representative Evangelidis of Holden dissenting);

Initiative petitions.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1455) of Viriato Manuel deMacedo and others for a legislative amendment to the Constitution prohibiting the taking of land or interests therein by eminent domain for private commercial or economic development,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1455), ought to pass;

Eminent domain.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1640) of Eugene L. O’Flaherty for a legislative amendment to the Constitution relative to the retirement of judges,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1640), ought to pass;

Judges,- retirement.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1700) of Richard J. Ross and others for a legislative amendment to the Constitution prohibiting eminent domain,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1700), ought to pass;

Eminent domain.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1779) of Martha M. Walz and others for a legislative

Id.

amendment to the Constitution relative to eminent domain takings,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1779), ought to pass;

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 3537) of Alice K. Wolf and others for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 3537), ought to pass (Representative Evangelidis of Holden dissenting);

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Initiative petitions.

By Mr. Moran of Boston, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 22) of Richard T. Moore, Scott P. Brown, Michael R. Knapik, Bruce E. Tarr and others for a legislative amendment to the Constitution to establish an independent redistricting commission,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 22), ought NOT to pass (Senator Brown and Representatives Frost of Auburn and Jones of North Reading dissenting);

Independent redistricting commission.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 535) of Bradley H. Jones, Jr., and others of the General Court for a legislative amendment to the Constitution to establish an independent redistrict commission and criteria for redistricting for state House, Senate, and Councilor districts,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 535), ought NOT to pass (Senator Brown and Representatives Frost of Auburn and Jones of North Reading dissenting);

Id.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 573) of Mark V. Falzone and others for a legislative amendment to the Constitution to increase the threshold for ballot initiatives,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 573), ought NOT to pass (Representative Falzone of Saugus dissenting);

Ballot initiatives.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 667) of George N. Peterson, Jr., and Elizabeth for a legislative amendment to the Constitution to change the length of term for Representative and Senators from two years to four years,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 667), ought NOT to pass (Representative Ashe of Longmeadow dissenting);

General Court,- term length.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 3411) of David M. Torrisi for a legislative amendment to the Constitution relative to home rule,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 3411), ought NOT to pass;

Home rule.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on the petition (accompanied by proposal, House, No. 742) of Anne M. Gobi for a legislative amendment to the Constitution relative to the taking of fish and wildlife,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House,

Fish and wildlife.

No. 742), ought NOT to pass;

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 24) of Brian A. Joyce, Scott P. Brown and Kay Khan for a legislative amendment to the Constitution to abolish the Governor’s Council,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 24), ought NOT to pass (Representative Dwyer of Woburn dissenting);

Governor’s
Council,- abolish.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 25) of Michael R. Knapik, Chief Anthony Scott and Richard R. Tisei for a legislative amendment to the Constitution relative to the certification of judges,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 25), ought NOT to pass (Representative Dwyer of Woburn dissenting);

Judges,-
certification.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 26) of Kelly Ryan for a legislative amendment to the Constitution to prohibit solicitation in public housing,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 26), ought NOT to pass (Representative Dwyer of Woburn dissenting);

Public housing,-
solicitation.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 27) of Richard R. Tisei for a legislative amendment to the Constitution to eliminate the Governor’s Council,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 27), ought NOT to pass (Representative Dwyer of Woburn dissenting);

Governor’s
Council,- abolish.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1736) of Theodore C. Speliotis for a legislative amendment to the Constitution to abolish the Executive Council,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1736), ought NOT to pass (Representative Dwyer of Woburn dissenting);

Id.

[NOTE: Subsequent communications from Representative Dwyer and House Judiciary Chairman O’Flaherty indicated that Representative Dwyer was listed as a dissenter on Senate, Nos. 25, 26 and 27 and House, No. 1736 in error.]

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:

Of the committee on the Election Laws, ought NOT to pass (under Joint Rule 23) on the petition (accompanied by proposal, House, No. 650) of Jay R. Kaufman and others for a legislative amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor;

Governor/Lt.
Governor,- vacancy.

Of the committee on the Revenue, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, House, No. 2733) of Mark V. Falzone and others for a legislative amendment to the Constitution relative to a graduated income tax; and

Income tax.

On the petition (accompanied by proposal, House, No. 2846) of Matthew C. Patrick and Byron Rushing for a legislative amendment to the Constitution relative

Public school
funding.

to raising a tax for the purposes of funding public schools;

Of the committee on Rules of the two branches, acting concurrently, ought NOT to pass (under Joint Rule 23) on the petition (accompanied by proposal, House, No. 2952) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution relative to salary adjustments for members of the General Court;

General Court,-
salary adjustment.

Of the committee on the State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 23) on the petition (accompanied by proposal, House, No. 2961) of Daniel E. Bosley for a legislative amendment to the Constitution relative to the abolishment of the Governor's Council;

Governor's
Council,- abolish.

Of the committee on the Joint Committee on Ways and Means, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, House, No. 3406) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution providing for a two year budget process for the Commonwealth; and

Budget cycle.

On the petition (accompanied by proposal, House, No. 3407) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution limiting expenditure growth.

Expenditure growth.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet Thursday next at eleven o'clock A.M.

Next sitting.

At twenty minutes after eleven o'clock A.M., on motion of Ms. Provost of Somerville (Ms. Reinstein of Revere being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.